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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

15 CR 379 (PKC)

6 JUAN ANTONIO HERNANDEZ
7 ALVARADO,

8 Defendant.
9 -----x

10 New York, N.Y.
11 October 3, 2019
12 10:02 a.m.

13 Before:

14 HON. P. KEVIN CASTEL,

15 District Judge

16 APPEARANCES

17 GEOFFREY S. BERMAN,
18 United States Attorney for the
19 Southern District of New York
20 EMIL J. BOVE, III
21 AMANDA HOULE
22 JASON RICHMAN
23 Assistant United States Attorneys

24 OMAR MALONE
25 MICHAEL R. TEIN
26 Attorneys for Defendant

27 ALSO PRESENT: HUMBERTO GARCIA, Interpreter (Spanish)
28 CRISTINA WEISZ, Interpreter (Spanish)
29 MERCEDES AVALOS, Interpreter (Spanish)
30 MARCIA GOTLER, Interpreter (Spanish)
31 BRIAN FAIRBANKS, DEA
32 MORGAN HURST, Paralegal, USAO

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1 AFTERNOON SESSION

2 (2:00 p.m.)

3 (Jury present)

4 THE COURT: Ms. Houle, you may call your next witness.

5 MS. HOULE: Thank you, your Honor, the government
6 calls Special Agent Gregg Mervis.

7 GREGG MERVIS,

8 called as a witness by the Government,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. HOULE:

12 THE WITNESS: Gregg G-R-E-G-G, Mervis, M-E-R-V-I-S.

13 THE COURT: All right. You may inquire.

14 MS. HOULE: Thank you, your Honor.

15 BY MS. HOULE:

16 Q. Sir, where do you work?

17 A. Drug Enforcement Administration.

18 Q. Is that commonly referred to as the DEA?

19 A. Yes.

20 Q. What is your title there?

21 A. Group supervisor.

22 Q. When did you first begin working at the DEA?

23 A. In 1997.

24 Q. When you first joined the DEA, what position did you hold?

25 A. I was a linguist.

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1 Q. What did you do as a linguist?

2 A. I translated recorded communications from Spanish to
3 English.

4 Q. Are you fluent in Spanish?

5 A. Yes.

6 Q. Do you have a degree in the Spanish language?

7 A. Yes.

8 Q. What degree is that?

9 A. Bachelor's of arts from George Mason University.

10 Q. After serving as a linguist what was your next position at
11 the DEA?

12 A. I entered the DEA academy in Quantico, Virginia in 1998.

13 Q. What title did you hold after you completed the academy?

14 A. Special agent.

15 Q. Can you describe generally for the jury the type of
16 training that you received at the DEA academy.

17 A. Yes, basic investigative techniques training, report
18 writing, firearms, confidential source handling, physical
19 fitness, legal training.

20 Q. Have you also participated in complex conspiracy training?

21 A. Yes.

22 Q. Approximately when did you attend that training?

23 A. 2001.

24 Q. Is that also provided by the DEA?

25 A. Yes, it is.

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1 Q. What did that training consist of?

2 A. That training focused more on instruction how to expand our
3 investigations from a local, regional level, to other locations
4 within the U.S., and then internationally back to the countries
5 where the narcotics were originating.

6 Q. When you finished the DEA academy, where were you
7 stationed?

8 A. Imperial County, California.

9 Q. Where is imperial within California?

10 A. It's about two hours east of San Diego right on the
11 U.S./Mexico border.

12 Q. For how long were you stationed in Imperial?

13 A. About six years.

14 Q. What were your general responsibilities there?

15 A. Our focus was on the transportation organizations operating
16 on the Mexican border, on the Mexicali/Baha California Mexico
17 side that were involved in transporting and shipping narcotics
18 from Baha California, Mexico to Los Angeles, primarily through
19 Imperial County.

20 Q. What was the primary narcotic that you investigated being
21 shipped into the United States?

22 A. Cocaine.

23 Q. While you were stationed in Imperial, did you investigate
24 any international drug trafficking organizations?

25 A. Yes. Being so close to the Mexican border there, our

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1 investigations quickly took us into Mexico, back to the
2 interior of Mexico, and then south back to Central America and
3 then Colombia.

4 Q. If you were stationed on the Mexican/California border, why
5 were you investigating organizations in Central and South
6 America?

7 A. Because our goal as investigators is to try to trace back
8 the narcotics, the chain of narcotics back to our source to go
9 after the highest level traffickers in the quote, unquote, food
10 chain there.

11 Q. As a special agent in Imperial, approximately how many
12 investigations were you involved in?

13 A. Hundreds.

14 Q. What are some of the investigative techniques that you used
15 while you were working on those investigations?

16 A. We dealt a lot with confidential sources, information
17 obtained from cooperating defendants. We made a lot of
18 seizures there on the border, so information that came from
19 those seizures, whether it be documents or electronic devices,
20 we frequently use wiretaps, we coordinated with our office, we
21 had an office in Tijuana, Baha California, Mexico, so we
22 frequently worked joint cases with that office there.

23 Q. As part of that coordination with the DEA office in Mexico,
24 did you also receive information from Mexican law enforcement?

25 A. Yes.

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1 Q. Were you briefed by Mexican law enforcement on their
2 investigations?

3 A. Yes.

4 Q. Turning your attention to early 2005, did you leave your
5 post in Imperial, California?

6 A. Yes.

7 Q. Where were you next stationed?

8 A. The Caracas country office in Caracas, Venezuela.

9 Q. I put in front of you a folder marked for identification as
10 Government Exhibit 1.

11 MS. HOULE: Ms. Hurst, if you could pull up that
12 exhibit for the Court and the parties as well, please.

13 Q. Special Agent, what is shown in Government Exhibit 1?

14 A. That is a map of the northern part of South America,
15 Central America, Mexico, the Caribbean, and then the southern
16 part of the United States.

17 Q. Does this map fairly and accurately show the geographic
18 regions you just described?

19 A. Yes.

20 MS. HOULE: Your Honor, the government moves to admit
21 Government Exhibit 1.

22 MR. TEIN: No objection.

23 THE COURT: Received.

24 (Government's Exhibit 1 received in evidence)

25 MS. HOULE: Ms. Hurst, if you could publish for the

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1 jury.

2 Q. Special Agent, you said you were stationed in Caracas,
3 Venezuela. Could you indicate for the jury where that is
4 located on this map?

5 Looks like you have drawn a circle over the right-hand
6 side of the screen just about the word Venezuela in the city of
7 Caracas.

8 A. Yes.

9 Q. What were your responsibilities while you were stationed in
10 Caracas?

11 A. We worked out of the U.S. embassy in Caracas. A big
12 responsibility was to coordinate and liaison with the
13 Venezuelan law enforcement counterparts.

14 Q. What are some of the investigative techniques that you used
15 while you were working there?

16 A. We had a number of confidential sources operating within
17 Venezuela. We worked, like I said, closely with the Venezuelan
18 counterparts. We also coordinated investigations with our DEA
19 offices in Bogota, Colombia and Cartagena, Colombia.

20 Q. If you were stationed in Venezuela, why were you
21 coordinating with Colombian law enforcement?

22 A. During my tour of Venezuela it became clear that the drug
23 traffickers that were calling the shots in Venezuela were
24 Colombians, and Venezuela served as a transshipment point for
25 the Colombian traffickers to send their narcotics shipments

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1 out. Rather than sending them from Colombia they would send
2 them through Venezuela and out from Venezuela.

3 Q. Through that coordination did you learning about cocaine
4 production abilities in Colombia?

5 A. Yes.

6 Q. Did you also investigate the routes and methods used to
7 transport cocaine throughout that region?

8 A. Yes.

9 Q. What was the primary type of narcotic that was involved in
10 your investigations in Venezuela?

11 A. Cocaine.

12 MS. HOULE: Thank you, Ms. Hurst, you can take that
13 down.

14 Q. You testified that you first began working in Venezuela in
15 2005. Turning your attention to 2008, did you move to a new
16 station?

17 A. Yes.

18 Q. Where were you next stationed?

19 A. Baltimore, Maryland.

20 Q. What were your responsibilities in Baltimore?

21 A. Baltimore was the target, drug traffickers, drug traffic
22 activities within the Baltimore/Washington metropolitan area.

23 Q. For how long were you stationed there?

24 A. One year.

25 Q. Where did you go next?

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1 A. I went to the Washington division office, Annandale HIDTA
2 office in Annandale, Virginia.

3 Q. What does HIDTA stand for?

4 A. High Intensity Drug Trafficking Area.

5 Q. For how long were you stationed at that office?

6 A. About five years.

7 Q. While you were stationed in Baltimore and Annandale, did
8 you stay apprised of information related to international drug
9 trafficking?

10 A. Yes.

11 Q. How so?

12 A. I still had contact with confidential sources that were
13 operating down in Venezuela and that region there. I also kept
14 in close contact with co-workers, former co-workers of mine at
15 the Caracas country office, and also working in Colombia. I
16 read briefings and other intelligence reports that were
17 circulated within DEA regarding seizures and other intelligence
18 gained through investigations.

19 Q. Turning your attention to March 2014, did you join a
20 different component of the DEA at that time?

21 A. Yes.

22 Q. Which one?

23 A. The special operations division, bilateral investigation
24 unit.

25 Q. What is the special operations division?

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1 A. It's essentially a conglomerate of various law enforcement
2 agencies, DEA, FBI, HSI, ATF all come together and work out of
3 one office to coordinate and investigate activity.

4 Q. You mentioned the bilateral investigations unit, what is
5 that?

6 A. That's a specialized unit that focuses on drug traffickers
7 operating abroad.

8 Q. Were you in any particular unit within the bilateral
9 investigations unit?

10 A. Yes, I was in the Latin America unit.

11 Q. Did you focus on any countries in particular within Latin
12 America?

13 A. Yes.

14 Q. Which ones?

15 A. Colombia, Venezuela, Honduras, Guatemala and Mexico.

16 Q. Did these investigations focus on any particular type of
17 narcotic?

18 A. Cocaine.

19 Q. What are some of investigative techniques you used during
20 those investigations?

21 A. Once again confidential sources were key. We had sources
22 operating throughout Latin America in those countries I
23 mentioned. We coordinated frequently with our office in Bogota
24 and Cartagena. We also coordinated with other DEA offices in
25 Latin America. Seizure information that would come across,

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1 communications devices seized in connection with these narcotic
2 seizures, financial investigations.

3 Q. You mentioned coordination with offices in Bogota and
4 Cartagena. Where are those cities located?

5 A. In Colombia.

6 Q. And through that coordination, did you attend any
7 presentations from Colombian law enforcement?

8 A. Yes.

9 Q. What types of information was presented at those
10 presentations?

11 A. They would provide intelligence briefings regarding
12 information they obtained through their wiretaps in Colombia,
13 their sources within Colombia, as well as seizures they made
14 within Colombia.

15 Q. And was Colombia the primary foreign counterpart that you
16 coordinated with?

17 A. Yes.

18 Q. While you were working at the bilateral investigations
19 unit, did you also work in coordination with an organization
20 called PANEX?

21 A. Yes.

22 Q. What is PANEX?

23 A. PANEX is a joint law enforcement group consisting of DEA
24 agents and other agencies that is focused on maritime narcotics
25 shipments, vessels carrying narcotics.

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1 Q. And does PANEX focus its operations in any particular
2 region of the world?

3 A. Yes.

4 Q. Which one?

5 A. They focus on both on the Pacific side as well as the
6 Caribbean gulf of Mexico, that area.

7 Q. When did you leave the bilateral investigations unit?

8 A. I left in the summer of 2015.

9 Q. What was your next assignment?

10 A. Group supervisor at the Annandale office where I'm
11 currently assigned.

12 Q. Do you keep apprised of information related to
13 international drug trafficking in your current assignment?

14 A. Yes.

15 Q. How so?

16 A. I maintain contact with former co-workers that are working
17 at the bilateral investigation unit. I also keep abreast of
18 intelligence reports and briefings that come across my desk
19 from other offices, seizure reporting, both abroad and
20 domestically, exploitation of communication devices, wiretap
21 info.

22 Q. Using all of the investigatory methods that you described
23 this afternoon, have you learned about the routes used to
24 transport cocaine to the United States from South and Central
25 America?

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1 A. Yes.

2 Q. And have you used those same methods to learn about the
3 methods used by drug traffickers to manufacture the cocaine
4 that's transported along those routes?

5 A. Yes.

6 Q. In testifying today, will you be relying on a syntheses of
7 all the different types of information that you described so
8 far in your testimony?

9 A. Yes.

10 Q. Have you testified previously as an expert in a federal
11 trial?

12 A. Yes.

13 Q. What generally was the subject matter of that testimony?

14 A. It was regarding the transportation of cocaine from South
15 America through Central America to Mexico and the United
16 States.

17 MS. HOULE: Your Honor, at this time the government
18 moves to qualify Special Agent Mervis as an expert in drug
19 trafficking routes and counter narcotics methods.

20 THE COURT: Any objection?

21 MR. TEIN: No, your Honor.

22 THE COURT: All right. So qualified.

23 BY MS. HOULE:

24 Q. Special Agent, what country is the greatest producer of
25 cocaine?

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1 A. Colombia.

2 Q. What country consumes the most cocaine in the world?

3 A. United States.

4 Q. Roughly what percentage of the cocaine that is consumed in
5 the United States is produced in Colombia?

6 A. Upwards of 90 percent.

7 Q. In what types of facilities is cocaine produced within
8 Colombia?

9 A. Laboratories.

10 Q. Where are these laboratories typically located?

11 A. In the remote jungle or mountainous areas of Colombia.

12 Q. In what types of facilities are these labs located?

13 A. These are makeshift clandestine buildings that have the
14 materials used to process cocaine.

15 Q. Generally speaking, what is that process through which
16 cocaine is produced in these labs?

17 A. It starts with the coca leaf. The coca leaf is soaked in
18 gasoline and other chemicals to extract the coca base from it.
19 Once you have the coca base, various chemicals are added to it
20 to include ammonia, and you have cocaine base, the cocaine base
21 is poured through a cloth to remove the impurities,
22 hydrochloric acid and acetone are added to that substance. A
23 heating process, typically used or done with microwaves, and a
24 pressing process to remove some of the solvents there. And
25 this pressing process also forms the rectangular brick-shaped

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1 kilogram.

2 Q. And that press that you just described, can it be used for
3 any other purpose than removing the solvents?

4 A. Yes, it could be used to imprint an insignia or symbol on
5 the kilogram.

6 Q. What is the unit of cocaine that results from that process?

7 A. A kilogram.

8 Q. Approximately how much does a kilogram of cocaine weigh?

9 A. 2.2 pounds.

10 Q. Approximately how many individual doses of cocaine are
11 contained in one kilogram?

12 A. Approximately 8,000.

13 Q. You testified that 90 percent of the cocaine consumed in
14 the United States is produced in Colombia. Is that cocaine
15 typically sent directly from Colombia to the United States?

16 A. No.

17 MS. HOULE: Ms. Hurst, if you could publish again
18 Government Exhibit 1, please.

19 Q. Special Agent, using the map on the screen, could you
20 please explain to the jury the primary route that is used to
21 transport cocaine from Colombia to the United States
22 identifying the countries along the way.

23 A. Okay. We'll start here with Colombia. The cocaine is
24 shipped over across the border to Venezuela. And then from
25 Venezuela the cocaine goes -- the primary route being the

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1 Central American route is what we call it. So cocaine is
2 brought over to Venezuela and shipped via air up to the eastern
3 side of Honduras. In Honduras it is moved west across the
4 Honduran/Guatemala border and then through Guatemala, and then
5 its crossed into Mexico and moved north through Mexico to the
6 U.S./Mexico border where it is eventually moved into the U.S.
7 at various locations along the U.S./Mexico border.

8 Q. When, approximately, did the Central American route that
9 you just described emerge as the primary route to ship cocaine
10 from Colombia to the United States?

11 A. Early 2000s.

12 Q. What are some of the circumstances that led to the
13 emergence of the Central American route?

14 A. What happened was the U.S. justice system, law enforcement
15 agents began targeting the Colombian traffickers. When I say
16 "targeting," they were extraditing the Colombian traffickers to
17 the U.S. So the Colombian traffickers thought of a way to sort
18 of create a layer in between themselves and the U.S. So rather
19 than shipping the cocaine directly to the U.S., they would sell
20 their cocaine to Honduran traffickers, Guatemalan traffickers,
21 Mexican traffickers, to create almost a plausible deniability,
22 and to potentially, and in their hopes, I guess, in their eyes,
23 to avoid prosecution in the U.S. Although along the way, all
24 these traffickers, all these people working together knew that
25 the ultimate destination was the United States.

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1 Q. Were there any other circumstances that led to the
2 emergency of the Central American route?

3 A. Yes. The narcotic traffickers in Central America and
4 Mexico became much more sophisticated and organized, and
5 therefore began forming these partnerships with the Colombian
6 traffickers. Additionally, with the emergence of NAFTA, which
7 is the North American Free Trade Agreement, the Mexican
8 traffickers started to take advantage of the open borders that
9 came about when NAFTA was created.

10 Q. I'm showing you what has been marked for identification as
11 Government Exhibit 2.

12 MS. HOULE: And Ms. Hurst, if you could put that on
13 the screen for the Court and the parties.

14 Q. Special Agent, could you please look at the document in
15 front of you, Government Exhibit 2. What is shown there?

16 A. That is a map of Central America and the southern part of
17 Mexico.

18 Q. Does the map fairly and accurately show the geographic area
19 you just described?

20 A. It does.

21 MS. HOULE: The government moves to admit Government
22 Exhibit 2.

23 MR. TEIN: No objection.

24 THE COURT: Received.

25 (Government's Exhibit 2 received in evidence)

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1 MS. HOULE: Ms. Hurst, please publish that exhibit on
2 the screen for the jurors.

3 Q. Special Agent, you described the route, the Central
4 American route as moving from the Colombian/Venezuela area into
5 Honduras. Can you focus the jury on where Honduras is located
6 on this map?

7 A. (Indicating)

8 Q. When cocaine is brought into Honduras from Colombia, on
9 which side of Honduras does it typically arrive?

10 A. The eastern side.

11 Q. After arriving on the eastern side, in which direction is
12 the cocaine typically transported?

13 A. West.

14 Q. You mentioned earlier that there are air shipments of
15 cocaine. Are there any other ways that cocaine is transported
16 into Honduras from Colombia?

17 A. Yes.

18 Q. How so?

19 A. Maritime shipments.

20 Q. And what do you mean by a maritime shipment?

21 A. Maritime shipment is via sea. It could be via fishing
22 vessel, for instance, or go-fast vessel.

23 (Continued on next page)

24

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1 BY MS. HOULE:

2 Q. What's a go-fast vessel?

3 A. A go-fast vessel is basically a speedboat that has -- high
4 powered speedboat with extra gas tanks that allow it to make
5 the journey from South America to Honduras.

6 Q. In terms of the air shipments that you described, how are
7 those transported?

8 A. They're transported via smaller private aircraft. There
9 are no passengers onboard these planes. It's essentially the
10 pilots and the narcotics shipment.

11 Q. Are you familiar with the concept of aircraft registration
12 numbers?

13 A. Yes.

14 Q. What does a registration number signify?

15 A. It's an identification number for that ship or plane.

16 Q. If a registration number starts with the letter N what does
17 that indicate?

18 A. It indicates it's registered in the U.S.

19 Q. When a cocaine shipment is being sent by aircraft to
20 Honduras from where does it typically depart?

21 A. Apure region of Venezuela.

22 Q. From what types of airfields do these cocaine shipments
23 typically depart?

24 A. These are clandestine runway strips that are in a remote
25 area of Apure Venezuela. They are essentially created by

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1 bulldozers and other equipment. These aren't commercial
2 airports that these shipments are leaving from.

3 Q. Why is the cocaine flown from Venezuela instead of directly
4 from Colombia into Honduras?

5 A. In Colombia there exists a strong partnership between DEA
6 and the Colombian counterparts. There's a lot of sharing of
7 information. There's a DEA and other U.S. law enforcement
8 specific presence in Colombia which is not the case in
9 Venezuela.

10 Q. After the cocaine lands in Honduras to which country does
11 it typically go next?

12 A. Guatemala.

13 Q. From there which country does it typically go next to?

14 A. Mexico.

15 MS. HOULE: Ms. Hurst, you can take that exhibit down.

16 Thank you.

17 Q. Who typically is responsible for the cocaine once it
18 reaches Mexico?

19 A. Mexican cartel.

20 Q. In the time period of approximately 2004 through 2016 what
21 was the largest cartel in Mexico?

22 A. The Sinaloa cartel.

23 Q. During that time period who was one of the primary leaders
24 of the Sinaloa cartel?

25 A. Joaquín Guzmán Loera a/k/a Chapo Guzmán.

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1 Q. During that time period between 2004 and 2016 was Chapo
2 Guzmán arrested at any point by Mexican authorities?

3 A. Yes.

4 Q. Approximately when was that?

5 A. February 2014.

6 Q. I'm showing you what's been marked for identification as
7 Government Exhibit 110.

8 MS. HOULE: And Ms. Hurst, if you could please pull
9 that up for the Court and the parties.

10 Q. Special agent, who is shown in Government Exhibit 110?

11 A. Joaquín Guzmán Loera.

12 Q. Based on your research is this a fair and accurate
13 depiction of Mr. Loera?

14 A. Yes.

15 MS. HOULE: Government offers Government Exhibit 110.

16 MR. TEIN: No objection.

17 THE COURT: Received.

18 (Government's Exhibit 110 received in evidence)

19 MS. HOULE: Ms. Hurst, if you could please publish
20 that to the jury.

21 Q. What do the Mexican cartels do with the cocaine once it
22 arrives from Guatemala?

23 A. They move it north to the U.S./Mexico border and then into
24 the U.S.

25 Q. Approximately what percentage of the cocaine transported

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1 along this Central American route is destined for the United
2 States?

3 A. I'd say upwards of 90 percent.

4 MS. HOULE: Thank you, Ms. Hurst. You can take that
5 down.

6 Q. You've testified about the different countries through
7 which cocaine is transported from Colombia to the United
8 States. Why isn't the cocaine sold in the countries through
9 which it is transported along that route?

10 A. These countries have smaller populations. They don't have
11 the population to support the quantities of cocaine.

12 Also, it comes down to money. It's more profit to
13 sell it in the U.S. than it is -- would be in those countries.

14 Q. What approximately is the population size in Honduras?

15 A. It's about 9 million.

16 Q. And what happens to the price of cocaine as it moves north
17 to the United States along that Central American route that you
18 described?

19 A. Incrementally increases.

20 Q. What approximately is the price of cocaine -- a kilogram of
21 cocaine in Colombia?

22 A. 2,500 to \$3,000.

23 Q. Generally at what interval does the price increase as it
24 moves from Colombia to Honduras?

25 A. Five to six thousand dollars per kilogram.

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1 Q. Approximately how much does a kilogram cost in Mexico near
2 the border with Guatemala?

3 A. Twelve to \$16,000 per kilogram.

4 Q. Approximately how much does a kilogram of cocaine cost here
5 in the United States?

6 A. Thirty to \$35,000 per kilogram.

7 Q. What about here in New York? What's the price of a
8 kilogram of cocaine?

9 A. Around \$30,000.

10 Q. Before we finish today I have just a few quick questions
11 about the tools that the DEA has used to target traffickers in
12 Central America. What is the Office of Foreign Asset Control?

13 A. That office operates under the Department of Treasury. It
14 works closely with law enforcement agencies such as the DEA to
15 target and identify assets linked to drug traffickers that are
16 abroad. It seeks to deny these drug traffickers access to the
17 assets and access to the U.S. financial institutions.

18 Q. And when OFAC has identified a particular of trafficker and
19 seeks to block assets -- access to assets as you've just
20 described, how is that typically announced?

21 A. It's made public through the media, both print media as
22 well as TV. Also, there's also a OFAC website that is -- can
23 be accessed that has a list of the people that are sanctioned.

24 Q. Why is that a useful law enforcement tool?

25 A. Because the traffickers need access to dollars, need access

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1 to the U.S. financial institutions. A lot of times they're
2 dealing with entities that work in dollars and they need this
3 money to make purchases, to deal with these entities.

4 Q. Does the DEA have any ability to order Honduran banks to
5 seize assets?

6 A. No.

7 Q. Can the DEA compel businesses in Honduras to provide
8 evidence to the DEA?

9 A. No.

10 Q. Is the DEA authorized to conduct searches in Honduras?

11 A. No.

12 Q. Can the DEA conduct arrests in Honduras?

13 A. No.

14 Q. Is the DEA authorized to conduct arrests in any foreign
15 country?

16 A. No.

17 Q. If a person located abroad is charged with crimes in the
18 United States, what can the DEA do to try and locate that
19 person?

20 A. Typically we would go through Interpol. We'd get a
21 professional arrest warrant first and then coordinate with
22 Interpol to try and locate and apprehend that individual in a
23 particular country.

24 Q. What does Interpol stand for?

25 A. International Police Organization; basically coordinates

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1 and fosters cooperation primarily with the location and
2 apprehension of fugitives that are abroad.

3 Q. If a person is located abroad what can the DEA do to try
4 and have that person arrested?

5 A. They can send down the provisional arrest warrant and
6 coordinate with the Interpol representative for that particular
7 country.

8 Q. Are you familiar with the term provisional arrest request?

9 A. Yes.

10 Q. What is that?

11 A. That's essentially an arrest warrant that's issued here in
12 the United States that is sent through the embassy -- U.S.
13 embassy for that particular country and coordinated through
14 Interpol to attempt to locate and apprehend that individual.

15 Q. Who decides whether to grant the provisional arrest request
16 submitted by the United States?

17 A. The particular country's judicial system and their
18 government.

19 Q. If someone is arrested on U.S. charges in a foreign
20 country, are they automatically sent to the United States for
21 prosecution?

22 A. No.

23 Q. What is the general legal process that may follow once
24 someone is arrested in a foreign country?

25 A. There is an extradition process that is unique to each

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Mervis - Cross

1 country so it depends on what country that person or that
2 fugitive is apprehended.

3 Q. Does every country have an extradition agreement with the
4 United States?

5 A. No.

6 MS. HOULE: No further questions, your Honor.

7 THE COURT: All right. Cross-examination.

8 MR. TEIN: Thank you, your Honor.

9 CROSS-EXAMINATION

10 BY MR. TEIN:

11 Q. Good afternoon, Special Agent Mervis?

12 A. Good afternoon.

13 Q. In your last 40 minutes of testimony how many times did you
14 mention the name Juan Antonino Hernandez Alvarado?

15 A. None.

16 Q. And in your entire career at the DEA how many days have you
17 actually spent physically inside the Country of Honduras?

18 A. Three.

19 MR. TEIN: No further questions.

20 THE COURT: All right. Any redirect?

21 MS. HOULE: No. Thank you, your Honor.

22 THE COURT: All right. You may step down.

23 (Witness excused)

24 THE COURT: Call your next witness.

25 MS. HOULE: Thank you, your Honor. The government